

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

☐ Consent ☒ Discussion

**SUBJECT:**

Bill No. 2009-43 – Temporarily allows the sale of used motor vehicles in Town Center without the requirement that the use be incidental to new vehicle sales. (TXT-34717) Sponsored by: Councilman Steven D. Ross

**Fiscal Impact**

☒

**No Impact**

☐

**Augmentation Required**

☐

**Budget Funds Available**

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

The Town Center Development Standards currently allow the sale of used motor vehicles, but only in conjunction with new vehicle sales. In order to respond to the closing of vehicle dealerships that has occurred during the economic downturn, it has been proposed to allow the sale of used motor vehicles in Town Center as a “stand-alone” use, but on a temporary basis only. Approval by the City Council would be required and the use would be subject to conditions designed to ensure compatibility with surrounding uses.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2009-43

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STAVROS S. ANTHONY, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that due to the downturn in the economy, some of the dealerships had to close; therefore, a request was made to allow the sale of used motor vehicles in Town Center at an already developed auto dealership. He indicated that

**RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009**

COUNCILMAN ROSS, the sponsor of this Bill, requested that this be allowed temporarily and under the operators guidelines of a new car dealership. Initially, the use was established as a Special Use Permit but because it would be allowed temporarily, there were concerns both from the City Attorney's Office and the Planning Department about establishing the code temporarily and then having to amend the Code. Essentially, the rules found in Title 19 or the Town Center Development Standards would be temporarily overridden allowing application to be made for the temporary use, which would be the sale of used motor vehicles without having to be within a new car dealership. Application can only be made while this ordinance is in effect and, if approved, it would only be allowed until November 30, 2010. It was the Councilman's desire to give it a year's trial.

COUNCILMAN BARLOW pointed out that many of the car dealerships fought to be located in this area and were adamant about not allowing used car sales. This Bill would allow used car sales. CHIEF DEPUTY CITY ATTORNEY STEED responded that COUNCILMAN ROSS' representation was that he does not want stand-alone car sales in Town Center because it is inappropriate. Owners of existing car dealerships want a chance to sell used cars temporarily.

COUNCILMAN ANTHONY verified that someone requesting to sell used cars would only be able to do it for a year, unless the ordinance is amended. He was concerned about allowing this use only for a year.

CHIEF DEPUTY CITY ATTORNEY STEED stated that this would be similar to the Special Use Permit process where the application would go before the Planning Commission and then City Council, with the entire process taking two or three months. This pertains to those dealerships that already have the structure and able to sell used cars temporarily.

CHIEF DEPUTY CITY ATTORNEY STEED indicated that MARGO WHEELER, Director of Planning and Development, was concerned about allowing it through a Special Use Permit; therefore, the Bill is worded to require the same process.

SHEILA LAMBERT, Ward 6 Council Liaison, explained that United Dodge and People's GMC asked COUNCILMAN ROSS for the opportunity to sell used cars, as both lost their franchises during the reorganization of Chrysler and Dodge. They are trying to keep people employed and hoping for the opportunity to apply for new franchises. They initially asked for six months but COUNCILMAN ROSS agreed to a year.

COUNCILMAN ANTHONY confirmed that dealership owners understand that after November 30, 2010 they will no longer be able to sell used cars. MS. LAMBERT added that ATTORNEY JEFFREY BENDAVID, Moran Law Firm, and MIKE BELLAN, People's GMC, both agree to the preliminary condition of no used car sales on Sundays, and would follow the same rules and restrictions imposed on the new car sales dealerships. She noted that JIM MARSH was able to obtain a new franchise and would not be selling used cars.

COUNCILMAN BARLOW declared the Public Hearing closed.